



# Hinckley & Bosworth Borough Council

## Taxi Licensing Policy

Approved at Council on XXXXXXXX 2022

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## 1.0 Foreword

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we do not. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that the licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger maybe you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

This policy is designed to promote improved professional behaviour amongst licence holders, to increase their awareness of safeguarding issues and to allow those that share the Council's commitment to a high standard of service to thrive. The policy will make it more difficult for disreputable individuals to operate within the licensed trade.

The Report into child sexual exploitation ("CSAE") in Rotherham and the subsequent corporate governance inspection led by Dame Louise Casey DBE CB identified issues, amongst which was the importance of having effective regulatory and enforcement functions in preventing and disrupting [CSAE](#). The hackney carriage & private hire licensing function has a key role in this. At the heart of this Policy lies a commitment to the protection of the public, safeguarding children, vulnerable adults and the prevention of crime and disorder.

The Council aims to ensure that licensed drivers, operators, and vehicles operating in Borough of Hinckley (the "Borough") are of the highest quality and can be held to account.

The Council recognises the important role that hackney carriages and private hire vehicles play in enabling people to travel around the Borough, including when public transport may not be available and for those with mobility problems. In doing so, they also have a role in portraying the image of the Borough. The drivers themselves have a key role as ambassadors for the Borough and customers rightly expect that in using licensed vehicles they will be transported in comfort and safety. This will help to ensure that the industry and the local economy thrive.

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions; the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.

## **1.1 Licensing Aims and Objectives**

The Council is responsible for the regulation of the hackney carriage and private hire trade within the Borough. This policy will guide the work of the Council in the way in which it carries out those functions.

This Policy has been developed by the Council after consulting with both the public and the hackney carriage and private hire trade and responsible authorities including Leicestershire Police and Leicestershire & Rutland Safeguarding Board.

The aims of this Policy are:

- to protect the public and to safeguard children and vulnerable persons.
- ensure that hackney carriage and private hire vehicles are mechanically safe, clean, reliable, and insured.
- ensure that drivers, proprietors, and private hire operators are fit and proper persons.
- ensure a system of local control and accountability.
- ensure access to an efficient and effective transport service
- to encourage a “mixed” fleet of vehicles to meet the varying needs of those who use hackney carriage and private hire vehicles.
- to provide clarity to all relevant parties regarding the Council’s expectations of licence holders.
- to provide clarity to all relevant parties regarding the Council’s decision-making process.
- to encourage high standards of service and competence in the trade; and
- to encourage Environmental Sustainability.

## 1.2 Regulatory Framework & Guidance

[The Local Government \(Miscellaneous Provisions\) Act 1976](#) and the [Town Police Clauses Act 1847](#) provide the main regulatory framework within which the Council carries out its licensing functions in respect of hackney carriages and private hire vehicles.

Throughout this Policy, references to legislation includes any amendments to that legislation as may be made from time to time and any subordinate legislation made pursuant to that legislation. Other relevant legislation includes:

- [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#)
- [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#)
- [The Finance Act 2021](#)
- [The Policing and Crime Act 2017](#)
- [The Immigration Act 2016](#)
- [The Deregulation Act 2015](#)
- [The Equality Act 2010](#)
- [Health Act 2006](#).
- [Crime and Disorder Act 1998](#)
- [Environmental Protection Act 1990](#)
- [The Transport Act 1985](#)

The Council has had regard to other relevant strategies, policies and guidance in its decision making which include, the following:

- IOL [Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#) – April 2018
- [Statutory Taxi & Private Hire Vehicle Standards](#), Department for Transport (July 2020)
- [Taxi and private hire vehicle licensing: Best Practice, Department for Transport \(2022\)](#).
- [Guidance on the Rehabilitation of Offenders Act 1974](#), Ministry of Justice (March 2014)
- [Regulation of taxis and private hire vehicles: understanding the impact on competition](#), Competition and Markets Authority (July 2017)
- [Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing](#) (2019)

### **1.3 Licensing Profile**

As at 12/10/2022 there are 83 hackney carriages, 40 private hire vehicles and 21 private hire operators. There are 123 licensed drivers.

### **1.4 Departure from the Policy**

In exercising its discretion in carrying out its regulatory functions the Council will have regard to this policy and each application or enforcement measure will be considered on its own merits. Where it is necessary to depart from the Policy, clear and compelling reasons will be given for doing so.

### **1.5 National Register of Taxi Licence Refusals and Revocations (NR3)**

The licensing authority provides information via the National Anti-Fraud Network ([NAFN](#)) on the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.



The information recorded on NR3 is limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective
- Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for or being granted, a hackney carriage / private hire vehicle driver licence

Information will be processed in accordance with the [Data Protection Act 2018](#) (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the councils [Data Protection Officer](#).

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website at <https://ico.org.uk/>

## **1.6 Enforcement Measures**

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the taxi trade.

In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will take the appropriate action.

In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders' ability to fulfil the 'fit and proper' test, the enforcement, penalty points and conviction policy will be utilised. This will serve as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.

## **1.7 Delegated Powers**

Officers of the Council, duly authorised under the Council's Scheme of Delegation, are responsible for the day-to-day operation of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

## **1.8 Whistleblowing (confidential reporting code)**

Licensed drivers should feel confident to report issues to their operator or the Licensing Section which may be contrary to the law whilst protecting their identity. Advice can be found at; <https://www.gov.uk/whistleblowing>

## **1.9 Fees**

Under the Council's Constitution the Licensing Committee are responsible for the Council's licensing functions.

The fees are reviewed by officers during the calendar year ahead of the start of each financial year.

The Council will follow the procedure detailed in the Local Government (Miscellaneous Provisions) Act 1976 in respect of consultation and advertisement of any variation of licence fees.

## **1.10 Equal Opportunities**

In accordance with section 149 of the Equality Act 2010 we have a duty to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Act.
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share relevant [protected characteristics](#) and those who do not.

These matters will be considered when we are making decisions and when dealing with complaints.

## **1.11 Climate Change**

At a full council meeting on Tuesday 16 July 2019 Hinckley & Bosworth Borough Council declared a 'Climate Emergency'.

Councillors have pledged to take local action to contribute to national carbon neutral targets through the development of practices and policies, with an aim to being carbon neutral in the borough of Hinckley and Market Bosworth by 2030.

In recognition of the emissions that vehicles have on the climate the emission standards as described in Appendix E to this policy have been adopted for both Hackney Carriages and Private Hire Vehicles.

## 1.12 Applications

The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete. Applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested and or relevant. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

This policy supersedes the previous policy that relates to the licensing functions for hackney carriage and private hire vehicles in the Borough.

The policy will apply to all:

- Hackney carriages.
- Private hire vehicles.
- Private hire operators.
- Hackney carriage drivers; and
- Private hire vehicle drivers.

In this Policy, the Council uses the following terms to mean:

- A “hackney carriage” is a vehicle available to transport the public with no more than eight passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public or undertake pre-booked work.
- A “private hire vehicle” is a vehicle licensed to carry no more than eight passengers but must be booked in advance by customers through a private hire operator and cannot ply for hire in the street: and
- The “trade” to be all those working within the hackney carriage and private hire vehicle sector.

For further guidance on the term “ply for hire” please refer to the on-going requirements for driver’s licences in section 2.4.

The Council will review this Policy on a rolling basis and make revisions where required. The Council may consult on proposed revisions to the Policy where it considers it appropriate to do so.

## **2.0 Drivers**

Any person who drives a hackney carriage must hold the appropriate vehicle driver licence. S 46 of the Town Police Clauses Act 1847, states that no person shall act as a driver of any hackney carriage without first obtaining a licence. Case law has also stated that a private hire vehicle is always a private hire vehicle until the licence expires. Therefore, only drivers licensed by Hinckley & Bosworth Borough Council are allowed to drive vehicles licensed by the Council, even though the vehicle may be insured for social, domestic and pleasure use.

Any person who drives a private hire vehicle must hold the appropriate vehicle driver licence. Private hire vehicle driver licenses are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Council aims to ensure that private hire and hackney carriage services delivered within the Borough are of a good standard.

The sections below, therefore, apply equally to private hire and hackney carriage drivers unless otherwise indicated.

Licensed drivers provide a public service; therefore, all drivers must satisfy the Council that they are fit and proper people to be granted a driver licence. All drivers must then remain fit and proper people for the duration of their licence. The fitness and propriety of a driver will be kept under review throughout the period that a licence is held.

### **2.1 Fit and Proper Person**

The Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person, to drive a hackney carriage or private hire vehicle, and that person must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is held.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (Officers or Members) as part of any process associated with the administration or determination of a licence.

#### **Fit & Proper Person Test**

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants / licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of The Local Government (Miscellaneous Provisions) Act 1976 (Part II).

In assessing the suitability of an applicant, the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration (but not limited to) the following factors:

- Criminality including spent convictions
- Period of holding a driver's licence
- DVLA Licence and any endorsements
- Right to Licence
- Medical fitness to Group 2 standards (HGV Lorry Driver)
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g., whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including Honesty, integrity, and the reasons for any entry on the NR3 Register).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.
- Immigration Status of the applicant
- Harm Test - a person satisfies the '[Harm Test](#)' if they may harm a [child or vulnerable adult](#) or put them at risk of harm. Or it is something a person may do to cause harm or pose a risk of harm to a child of a vulnerable adult.

In addition, the Council will also consider further information sources such as the Police (use of Police Common Law Disclosure (which replaced the Notifiable Occupation Scheme, in March 2015), Children and Adult Safeguarding Boards, other Licensing Authorities, the National Register of Taxi Licence Refusals and Revocations (NR3) and statutory agencies.

The Council considers that licensed drivers and operators are in a position of trust and therefore the Council must ensure that those who hold a driver licence or private hire operator licence are, and remain, fit and proper to hold a licence.

While the term “fit and proper person” is not legally defined and considering all of the factors above the decision maker is effectively asking the following question of themselves:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper, however If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence.

Where the Council becomes aware of any issues including previous criminal convictions, any arrest, any charges, inappropriate behaviour, or matters arising as part of a DBS certificate, then the applicant or licence holder (as the case may be) will be referred to the Licensing Committee.

## **2.2 Application Requirements**

The Council issues licenses that enable the driving of both hackney carriages and private hire vehicles (unless otherwise requested).

Licenses will be issued for a standard length of three years, per the Local Government (Miscellaneous Provisions) Act 1976 (as amended) any shorter licence duration should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, i.e., a licensee has requested one or where required (e.g., when the licence holder’s leave to remain in the UK is time-limited).

We can issue a licence for a shorter period where an applicant’s:

- UK driving licence expires in less than three years.
- has a medical condition requiring annual medical examinations; or
- right to work expires in less than three years.

To be eligible for a licence, applicants must:

- complete an application form and pay the relevant fee.
- provide a statutory declaration relating to previous criminal and motoring behaviour.
- provide [DVLA share code](#)
- provide [HMRC tax code](#)
- Have held a full UK driving licence for a minimum of one year. Applicants holding an [foreign driving licence must convert them to a UK driving licence](#) prior to making an application for a driver licence.
- provide proof that they have a statutory [right to work in the UK](#).

- provide an Enhanced Disclosure and Barring Service (the “DBS”) certificate and proof of subscription to the [DBS update service](#).
- provide a Group 2 medical examination form completed by the applicant’s GP.
- pass the Council’s [driving assessment](#).
- pass the Council’s knowledge test AND language test.
- Provide a [safeguarding and child sexual exploitation awareness certificate](#).
- [attend disability awareness training](#) (wheelchair accessible vehicles only).

Further information on each of these elements is set in **Appendix B**.

Applicants should note that the Council, in considering an application for a driver licence, may:

- access the DVLA records of applicants.
- access the national register of licence revocations and refusals to check if an applicant has previously had a licence refused or revoked by another local authority.
- make additional enquiries through Leicestershire Police (and other police forces where appropriate).
- make additional enquiries of other local authorities, including those who may have licensed the applicant previously; and
- make enquiries of any other appropriate organisation, agency, or person as is reasonably necessary.

Where appropriate, the Council may share information submitted as part of the application process with other parts of the Council, and other external statutory bodies such as the Police and HM Revenue & Customs. Any sharing of information will comply with relevant data protection legislation in force at the time.

The Council will also provide relevant information to the national register of licence revocations and refusals (NR3).

The information provided as part of the application process for both new driver licences and renewal of driver licences assists the Council in assessing whether an applicant satisfies the fit and proper person.

### **2.3 On-Going Requirements**

The Council is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.

Existing licence holders must notify the Council in writing of any material change in the information provided in the application form or statutory declaration, including details of any new convictions etc. Such notification should be made within 5 working days of that matter coming to the attention of the licence holder. Failure to do so may result in enforcement action being taken.

It is recognized that the trade plays an important role in portraying a positive image of Hinckley and drivers are seen as ambassadors for the Borough. As such, all drivers must:

- not ply for hire unless they are a licensed hackney carriage.
- comply with the Council's dress standards.
- comply with the code of conduct.
- comply with their relevant conditions of licence; and
- comply with the Council's non-smoking requirements.

### **2.4 Plying for hire**

Plying or standing for hire means carrying a passenger to their destination for cash without there being a prior booking in place. It is a criminal offence for anyone without a Hackney Carriage licence to do this.

It is illegal for a private hire vehicle to ply for hire.

Therefore:

- all private hire vehicle journeys must be pre-booked through a licensed private hire operator.
- private hire vehicles must not carry passengers if the journey has not been pre-booked with a private hire operator by the passenger.
- all bookings must be made by prospective passengers with a private hire operator who will dispatch the vehicle. Prospective passengers may instruct a third party, e.g., a restaurant manager or bus station marshal, to make a booking on their behalf but this third party must not be the private hire vehicle driver.
- a driver of a private hire vehicle is not permitted to make the booking on behalf of a prospective passenger e.g., via their radio or mobile telephone or another device.



- private hire operators must not accept any booking made by a driver on behalf of a passenger.
- private hire vehicle drivers are not permitted to make their vehicles available for immediate hire. This means that private hire vehicle drivers must not physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom, e.g., allowing prospective customers to approach the vehicle and ask, 'are you free?'.
- private hire vehicles must not wait at any taxi rank/stand; and
- private hire vehicles must not stop if hailed in the street.
- The above is not an exhaustive list of what may be considered plying for hire. Accordingly, each case of allegedly unlawful 'plying for hire' will be judged on its own merits.

## **2.5 Dress standards**

Drivers should adhere to the following minimum standards:

- drivers must have good standards of personal hygiene.
- all clothing worn by drivers should be clean and in good condition, free from holes and rips.
- all clothing worn by drivers should avoid words or graphics that are, or could be, offensive or suggestive in nature.
- drivers must ensure that both the top and bottom half of their bodies are suitably clothed at all times.
- drivers should ensure that their clothing does not obscure their vision or their identity, e.g., the wearing of hoods; and
- all footwear worn by drivers must fit around the heel of the foot.

Employees working for companies operating their own dress codes will still be required to comply with the Council's minimum standards.

Anything that serves to enhance the professional image of the trade is welcomed.

## **2.6 Driver Conduct**

It is essential that all passengers, including the young, elderly, and other vulnerable people, are safeguarded, and protected whilst being transported in a licensed vehicle.

Drivers must be professional, polite, show courtesy and be respectful towards all members of the public, including fellow drivers, operators, and Council Staff. Discriminatory behaviour will not be tolerated.

Drivers are issued with a licence identity card and the card / badge must be worn or displayed at all times while working as a licensed driver in their vehicle.

The licence will not be issued until the appropriate fee is paid. If payment for a licence does not clear and a licence has been issued, then this will result in suspension of the licence until payment is received. Failure to make a successful payment may be considered poor conduct, which is appropriate to be dealt with separately.

## **2.7 Conditions of licence**

The Council may attach such conditions to driver licences as are considered necessary. A copy of the standard conditions for driver licences will be provided during the application process and is also available on request from the Council.

The standard conditions for driver licences will be updated from time to time as considered reasonable or necessary by the Council. Licence holders will be notified of any updates to the conditions for driver licences.

## **2.8 No Smoking requirements**

Smoking is not permitted in any licensed vehicle at any time. It is also an offence contrary to the Health Act 2006 for which the Council is the enforcing authority. Drivers must not smoke in a licensed vehicle at any time, even when not working, or allow their passengers to do so. If observed or reported to Licensing, you may be at risk of receiving a Fixed Penalty Notice and Penalty Points against your Hackney Carriage/Private Hire Drivers Licence.

Smoking is prohibited in all hackney carriage and private hire vehicles.

Appropriate no-smoking signage must be displayed inside vehicles in accordance with the Health Act 2006.

For the purposes of this Policy, “smoking” means the use of all tobacco products e.g., cigarettes, pipes, cigars, and all alternative smoking devices, such as electronic cigarettes, vapour devices and any other similar form of inhalation device (with or without nicotine).

### 3.0 Vehicle Licences

All hackney carriages and private hire vehicles must have their own vehicle licence.

There are no statutory criteria for vehicle licenses, therefore the Council has an absolute discretion over whether to grant either a hackney carriage or private hire vehicle licence.

The Council does not consider speculative applications; however, Licensing Officers may be able to provide pre-application advice in relation to specific vehicles.

All wheelchair accessible hackney carriages and private hire carriages will automatically be placed on the Council's "designated vehicles" list. Drivers of such vehicles will need to comply with their duties under the Equality Act 2010. A driver of a designated vehicle may apply for an exemption certificate (see Appendix B for further guidance on driver's medical requirements).

The Council maintains a [list of approved multi-purpose vehicles](#), which are permitted for licensing as private hire vehicles and/or hackney carriages.

### 3.1 Application Requirements

Vehicle licences will generally be issued for a period of one year.

To be eligible for a licence, applicants must:

- complete an application form and pay the relevant fee.
- provide the original vehicle registration document (logbook or V5 certificate) for the vehicle.
- provide the original insurance certificate or insurance cover note for the vehicle (this may be emailed directly from the insurer to the Council).
- provide a current MOT certificate for the vehicle.
- where a vehicle is not manufactured with European whole vehicle type approval, provide evidence that the vehicle has obtained single vehicle approval.
- ensure the vehicle complies with the Council's vehicle specifications, age limits; and
- ensure the vehicle complies with the Council's vehicle emissions standard.

Where a vehicle has been recently purchased, the new keeper's section of the V5 certificate, together with evidence of the purchase, will be accepted at the time of the application provided that the full logbook or V5 certificate is provided prior to the licence being issued.

The insurance certificate or insurance cover note should be in place for each driver of the vehicle and specify that the vehicle is to be used as a hackney carriage and/or a private hire vehicle. Where the vehicle is to be used as a hackney carriage, the insurance should cover both public hire and hire and reward. A private hire vehicle's insurance needs only to cover hire and reward.

Where an insurance cover note is accepted as part of a vehicle licence application, an insurance certificate should be provided within 5 working days of receipt by the licensee.

Hackney carriages are required to have a taximeter which is calibrated to the Council's Tariff. Private hire vehicles are not required to have a taximeter.

### **3.2 On-Going Requirements & Conditions**

It is recognized that the trade plays an important role in portraying a positive image of Hinckley and drivers are seen as key ambassadors for the Borough. As such, all vehicles must:

- comply with their relevant conditions of licence.
- submit the vehicle for mechanical compliance testing as required.
- comply with the Council's vehicle emissions standards (see Appendix E).
- comply with the Council's vehicle identification requirements.
- comply with the Council's tyre standards.

The Council may attach such conditions to vehicle licences as are considered necessary. A copy of the standard conditions for vehicle licences will be provided during the application process and is also available on request from the Council.

The standard conditions for vehicle licences will be updated from time to time as considered reasonable or necessary by the Council. Licence holders will be notified of any updates to the standard conditions for vehicle licences.

### **3.3 Mechanical Testing**

All vehicles aged one year or over will be required to pass the [ministry of transport test](#) (M.O.T) every 12 months.

A licensed vehicle may be tested up to four weeks before the due date of the next mechanical test. It is the licence holder's responsibility to ensure the test is booked.

At each test the vehicle will be permitted one retest only. Once a vehicle fails a mechanical test and retest it will cease to be suitable for licensing.

### **3.4 Vehicle identification**

Hackney carriage vehicles must display the corporate colour licence plate on the rear of the vehicle and an internal badge must be displayed in the front windscreen, on the passenger side and not obscure the driver's view. In wheelchair accessible vehicles, this badge must be displayed on the partition between the driver and passengers.

Hackney carriages must have an illuminated 'taxi' roof sign.

Private hire vehicles must display a yellow licence plate on the rear of the vehicle and an internal badge must be displayed in the front windscreen, on the passenger side and not obscure the driver's view. In wheelchair accessible vehicles, this badge must be displayed on the partition between the driver and passengers.

Private hire vehicles must not be purpose-built taxis. Licence plates for both hackney carriages and private hire vehicles must be affixed externally to the rear or bumper of the vehicle.

### **3.5 Tyre Standards**

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition. The Council requires that all licensed vehicles adhere to the following tyre standards.

Tyre treads are designed to remove water efficiently and effectively from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 1.6mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.

Tyres fitted to a vehicle must be fit for purpose and be free from any defects which might damage the road or endanger any person. For the purposes of this Policy, fit for purpose means that a tyre must:

- be compatible with the types of tyres fitted to the other wheels.
- Not have any lump, bulge or tear caused by separation or partial failure of the structure of the tyre.

- Not have a cut or tear in excess of the greater of 25mm or 10% of the sectional width of the tyre and which is deep enough to reach the ply or cord.
- not have any part of the ply or cord exposed; and
- Be correctly inflated to the manufacturer's recommended pressure.

All replacement tyres fitted to licensed vehicles must be new and have been fitted by a reputable vehicle maintenance company or contractor. The fitting of part worn tyres to licensed vehicles is not permitted. Vehicle proprietors are required to retain invoices or receipts to evidence that any tyre that is purchased meets this requirement. Such evidence must be provided to the Council within 3 working days of a request.

“Space saving” spare tyres must only be used in an emergency and then only in accordance with the manufacturer's instructions. Where the use of a “space saving” spare tyre become necessary during a period of hire then the journey may continue, but the tyre must be replaced before the next journey for hire or reward commences.

### **3.6 Vehicle Accidents**

If at any time the vehicle is involved in an accident, however minor, the driver or the vehicle proprietor must inform the Council of this fact as soon as possible and in any event within 72 hours (in writing or email).

The vehicle must be presented for inspection at a garage so that a technical assessment could be made of the extent of any damage as soon as reasonably possible after the accident has taken place. Failure to present the vehicle for the inspection may result in the vehicle's licence being suspended until the vehicle is presented for inspection.

If the vehicle is so damaged that it cannot be driven, then the driver or the vehicle proprietor must inform the Council of this fact. The driver or the vehicle proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven and/or presented for inspection.

Where the vehicle cannot be driven and/or presented for inspection the Council will advise the driver or the vehicle proprietor of the appropriate action to be taken.

### 3.7 CCTV

CCTV systems in Hackney Carriage Vehicles (HCVs) and Private Hire Vehicles (PHVs) are used to prevent and detect crime, reduce the fear of crime, and enhance the health and safety of HCV, PHV drivers and passengers.

Outward facing CCTV cameras, (e.g., “dash-cams”) which do not record passengers may be used in licensed vehicles without the need to notify the Council, dash cams that record sound will be in breach of this policy.

It must be noted that the installation of a CCTV system is optional.

CCTV cameras which record passengers (images or sound or both) must be a system that has been approved for use in writing by the Council and such approval must be obtained prior to installation.

Once a [CCTV](#) camera has been installed, it must be sealed with a tamper-proof seal. CCTV footage may be downloaded by the Council or by a private hire operator (provided that such private hire operator is registered as a “data controller” with the Information Commissioner).

CCTV images recorded in licensed vehicles must not be published or provided to the public (via any method) without the prior written permission of the Council. Generally, such permission will require the consent of any person featured in the CCTV or such publication or provision is in the public interest or will assist in safeguarding the public.

It is important to note that, if the Council mandates the installation of CCTV systems in taxis and private hire vehicles it will be responsible for the data it will become [the data controller](#). It is important that the data controller fully understands concerns regarding privacy and the licensing authority should consider how systems will be configured, should we mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. The authority should consider the Information Commissioner’s view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

## **4.0 Private Hire Operator Licences**

A licensed private hire vehicle must only be dispatched to a customer by a private hire operator with a private hire operator licence. Such a licence permits the operator to make provision for the invitation and acceptance of bookings for a licensed vehicle.

A private hire operator must ensure that every licensed private hire vehicle it operates is driven by a licensed private hire driver who is licensed by the same local authority that issued the vehicle licence. This local authority must also be the same as the one that issued the private hire operator licence.

Any person who operates a private hire service must apply to the Council for a private hire operator licence. The objective in licensing private hire operators is the safety of the public who will be using operator's premises, and vehicles and drivers arranged through them.

The Council will only issue licenses to applicants who are deemed to be fit and proper persons. In assessing this, the Council will have regard to the factors previously outlined above and at Appendix A. In addition, for a private hire operator licence, the Council will have regard to the business practices demonstrated by the applicant, including but not limited to the standard of record keeping, compliance with other regulatory requirements and financial practices.

### **4.1 Application Requirements**

The day-to-day manager of the private hire business can be the person who is applying for the operator licence or they can nominate another person to hold the licence.

The Council will usually issue private hire operator licenses for five years, but an applicant may request a lesser period.

To be eligible for a licence, applicants must:

- Complete an application form and pay the relevant fee.
- Provide a DBS certificate which covers a standard DBS check (unless the applicant has recently submitted a DBS certificate in relation to a driver licence).

Applicants should note that the Council, in considering an application for an operator licence, may:

- Access the national register of licence revocations and refusals (NR3) to check if an applicant has previously had a licence refused or revoked by another local authority.
- Make additional enquiries through Leicestershire Police (and other police forces where appropriate).



- make additional enquiries of other local authorities, including those who may have licensed the applicant previously; and
- Make enquiries of any other appropriate organisation, agency, or person as is reasonably necessary.

Where appropriate, the Council may share information submitted as part of the application process with other departments within the Council, Leicestershire County Council and other external statutory bodies (such as the Police and HM Revenue & Customs. Any sharing of information will comply with relevant data protection legislation in force at the time.

The Council will also provide relevant information to the national register of licence revocations and refusals.

The information provided as part of the application process for both new operator licences and renewal of operator licences assists the Council in assessing whether an applicant satisfies the fit and proper person.

## **4.2 On-Going Requirements**

The Council is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed private hire operators to ensure that any errors or material changes are identified and acted upon.

It is recognized that the trade plays an important role in portraying a positive image of Hinckley and drivers are seen as key ambassadors for the Borough. As such, all private hire operators must:

- Ensure the compliance of their drivers and vehicles with their relevant licence conditions and regulatory regimes.
- comply with the code of conduct; and
- Comply with their relevant conditions of licence.

### **4.3 Drivers and vehicles**

The private hire operator is responsible for all persons and vehicles that are employed, used, contracted, or otherwise used in the course of their business.

Therefore, the private hire operator must undertake sufficient background checks to satisfy themselves that only suitable drivers and vehicles are used during the course of their business.

The failure of a private hire operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety.

Additionally, failure to take appropriate action in relation to drivers who persistently breach licence conditions may call into question the operator's fitness and propriety.

The following are examples of circumstances that may affect the fitness and propriety of a private hire operator:

- Vehicles being operated that are in an unsuitable condition.
- Vehicles being operated without appropriate insurance in place.
- a failure to co-operate with the Council in investigating complaints; and
- A failure by private hire operators to satisfactorily address concerns/complaints in relation to licensed drivers/ vehicles.

### **4.4 Code of conduct**

It is essential that all passengers, including the young, elderly, and other vulnerable people, are safeguarded and protected whilst being transported in a licensed vehicle.

The Council has therefore drawn up a code of conduct which must be signed by all operators and complied with throughout the duration of any licence period. This is a condition of the operator licences.

A copy of the code of conduct will be provided during the application process and is also available on request from the Council.

The code of conduct will be updated from time to time as considered reasonable or necessary by the Council. Licence holders will be notified of any updates to the code of conduct.

## **4.5 Conditions of licence**

The Council may attach such conditions to operator licences as are considered necessary. A copy of the standard conditions for operator licences will be provided during the application process and is also available on request from the Council.

The standard conditions for operator licences will be updated from time to time as considered reasonable or necessary by the Council. Licence holders will be notified of any updates to the standard conditions for operator licences.

## **4.6 Fees and Fares**

### **Hackney Carriage Fares**

The hackney carriage table of fares (the “Tariff”) is set by the Council and sets the maximum fare that can be charged by hackney carriage drivers for journeys within the Borough.

The Council recognises the importance of the Tariff being fair (both to the public and to the trade). This is particularly the case as hackney carriages used for private hire can only charge at the rates set by the Council.

Taximeters must be calibrated to the Tariff in order to calculate journey fares, however the fare may be negotiated downwards by the hirer. In addition, the Council expects all drivers to meet their legal obligation not to prolong a journey (LG(MP)A 1976 S66/S67)

The hirer may agree to the fare for a journey that terminates outside the Borough boundary being charged other than at the metered rate.

It is an offence for the driver to charge more than the metered fare.

The Council will review the Tariff from time to time and make any reasonable adjustments, taking into account the [consumer price index](#) for the previous year. Any review of the Tariff will be undertaken in consultation with hackney carriage drivers and owners.

A notice of any variation to the Tariff (including its implementation date) will be advertised by the Council and notified to the trade.

A copy of the Tariff will be provided to each hackney carriage licence holder, and it must be displayed in the vehicle in a position where it is visible to passengers. The Tariff will also be published on the Council’s website.

Drivers must, if requested by the hirer, provide written receipts for the fare paid.

## **Private Hire Fares**

The Council is not permitted to set fares for private hire vehicles. However, the amount charged should be no more than the agreed fare. In addition, the Council expects all drivers to meet their legal obligation not to prolong a journey.

Private hire vehicles that are fitted with a taxi meter must provide the Council with a current table of fares. A copy of this table must also be displayed in the private hire vehicle where it is easily visible to passengers.

Drivers must, if requested by the hirer, provide written receipts for the fare paid.

## **Fees**

Fees may be charged to applicants to cover the costs of the Council in providing the licensing service.

Such services include the administration of applications, ensuring compliance by licensees within the trade and taking action against unlicensed drivers and/or businesses.

The Council's charging policy is that the fees charged by the authority should meet the cost to the authority to administer the service and should not make a profit or a loss. Any surplus produced will be put back into the service.

The Council is committed to working with the trade to identify ways in which savings/efficiencies can be made to avoid increasing the financial burden on the trade.

The Council may review the fees annually or more often where there is a material change to the cost of providing the licensing services.

## **4.7 Complaints**

People often make complaints against licensed drivers and operators. They allege things like refusal to help a disabled passenger, use of abusive language or refusal to accept a fare. Where appropriate, complainants will be encouraged to raise complaints directly with the relevant licence holder or business concerned in the first instance.

The Council will investigate all complaints and, if the complaint is serious enough, may ask the licensee for a response or ask the licensee to attend an interview. Complaints may be investigated by way of an interview under caution in compliance with the [Police and Criminal Evidence Act 1984](#).

People may submit service requests, complaints and concerns about licensed drivers, vehicles and operators via email to [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk) or by telephone on 01455 238141. In addition, if anyone wishes to complain about the service provided by the Council, there is a complaints procedure on the Council's website.

When considering a complaint, the Council will review the licensee's prior conduct alongside the incident's specific circumstances.

The Council is aware of the realities of the trade and that members of the public often verbally abuse drivers.

If the Council is satisfied that the complaint has merit and the licensee's behaviour fell below the required standard and/or there was a breach of the relevant licence conditions, the code of conduct or this Policy, then the Council will consider taking enforcement action.

To protect the public and monitor any emerging patterns of behaviour, all complaints will remain on the licensee's record together with any response or interview record of the licensee and the outcome of that complaint.

Where a pattern of behaviour emerges, the Council will review the licensee's history and consider whether further action is required.

The Council will retain complaints for the duration of the time a licensee is licensed and for seven years following the expiry such period.

Where the Council receives more than three upheld complaints from customers relating to the licensee's customer care, overcharging or poor driving, the licensee may be required to undertake additional training at their own expense.

#### **4.8 Compliance & Enforcement**

The principal purpose of hackney carriage and private hire vehicle licensing is to protect the public and promote public safety. In doing this the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated.

The Council will work closely with the trade to achieve compliance with the relevant legislation and the relevant conditions of licence. Enforcement action taken by the Council will be done so in accordance with any enforcement policy adopted by the Council from time to time. Licence holders are strongly encouraged to co-operate with the Council, the police and with officers of all other local authorities.

A range of tools and powers, to ensure compliance, including mystery shopping, will be used. Compliance assessment is ultimately to ensure that the driver or operator is a 'fit and proper' person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

Where appropriate, referrals to other agencies will be made, such as, the police, HM Revenue and Customs and safeguarding teams. The Council will work closely with other enforcement authorities when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues.

Where there is a shared enforcement role with other agencies e.g. the police, the Council will liaise with and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of enforcement.

The Council will respond to complaints made by the public and referrals made by other agencies and bodies.

Any breach of this Policy, the licence conditions or the law may be referred to the Licensing Committee and may lead to suspension or revocation of the relevant licence or to prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation to take place immediately.

#### **4.9 Enforcement Options**

Licence application and enforcement decisions will be consistent, balanced, and fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision a range of criteria will be considered including, but not limited to:

- seriousness of any offences.
- driver or operator's past history.
- consequence of non-compliance.
- likely effectiveness of the various enforcement options; and
- danger to the public.

The options available in relation to licence applications or renewals are:

- Grant a licence subject to conditions.
- refuse to grant a licence; or
- Grant a licence for a shorter time period.

Other enforcement options are:

- take no action.
- take informal action.
- suspend a licence (either with conditions or for a period of time);
- revoke a licence.
- use simple cautions.
- endorse a licence with penalty points; or recommend prosecution.

#### **4.10 Licence Applications**

In circumstances where an applicant has not provided all relevant information, documents, or has failed to comply with any of the requirements to apply for or renew a licence, the Council may refuse to issue or renew that licence.

##### **Informal Action**

Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and written requests for action, documentation, or inspections.

Verbal warnings will be confirmed in writing.

Such informal enforcement actions may be appropriate in any of the following circumstances:

- the act or omission is not serious enough to warrant more formal action.
- from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance.
- confidence in the operator's management is generally high.
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

#### **4.11 Suspensions or revocations**

The Council may serve notice in writing for a hackney carriage, private hire vehicle or taximeter attached to a licensed vehicle, requiring the vehicle or taximeter to be examined by the Council at a time specified in the notice.

This notice will only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter.

Where an individual failure in meeting the vehicle conditions is detected, the Council may take action to suspend the licence and require remedial action.

Further use of the vehicle will be suspended until the defects have been remedied. The suspension will not be lifted until the vehicle has undergone a further mechanical compliance test at the proprietor/driver's expense.

Where there is immediate danger to passengers and/or other road users, the Council may suspend the licence with immediate effect.

Where there is no immediate danger to passengers and/or other road users, licence holders may be required to appear before the Licensing Committee for suspension to be considered.

In all other circumstances, when considering a suspension or a revocation, the Council will give due consideration to all the relevant facts and circumstances, including the aims and objectives of this policy and the nature of the breach.

Suspensions and revocations will normally be dealt with by the Licensing Committee unless immediate action is required in the interests of public safety where the risk to the public is great.

Except in cases of immediate suspension or revocation, if the Council decides to suspend or revoke a licence, this will normally take effect at the end of the 21-day period starting with the day on which the Council issued its decision, unless an appeal is made.

Except in cases of immediate suspension or revocation, if an appeal is made, the Council's decision will not take effect until the appeal is determined (provided that the Council's decision has not been quashed or overturned).

Where a driver's licence has been revoked by the Council, the Council would not normally consider an application for the grant of a new licence until the expiration of 12 months from the date of revocation.

#### **4.12 Simple Cautions**

A simple caution may be used as an alternative to a prosecution in certain circumstances. A caution is an acceptance of guilt of an offence without a conviction to be administered by a Director of the Council.

#### **4.13 HBBC Penalty Points**

The aim of the penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other enforcement actions.

The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety, and protection of the travelling public.

Penalty points remain on the licensee's record for 24 months. The period is a roll forward basis, to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

Where a licensee accumulates 12 or more penalty points in any 24-month period, the matter will be referred to the Licensing Committee to decide whether the licensee remains a fit and proper person. The Licensing Committee may then take any further enforcement action it considers necessary.

Periods of suspension of a licence by the Licensing Committee because of the accumulation of penalty points will be dependent on the nature of the breaches concerned.



Penalty points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.

Any disputes regarding the issuing of penalty points will be referred to the Licensing Committee. Drivers, proprietors, and operators must appeal against the issue of penalty points awarded by officers to the Licensing Committee within 21 days of written notification of the penalty points being issued.

The penalty point's scheme will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws, and regulations.

Appendix F sets out a non-exhaustive list of penalties and the maximum penalty points applicable. Other offences and/or contraventions will be dealt with in a comparable way.

#### **4.14 Prosecution**

The decision to prosecute is a significant one. Decisions to prosecute will be made in a consistent manner and be proportionate to the circumstances.

Circumstances which are likely to warrant prosecution may be characterised by one or more of the following:

- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it.
- when there appears to have been reckless disregard for the safety of passengers or other road users.
- where there have been repeated breaches of legal requirements.
- where a particular type of offence is prevalent; or
- where a particular contravention has caused serious public alarm

#### **4.15 Appeals**

All notifications of decisions to licence holders will include information on how to appeal and to whom the appeal is made if the right of appeal exists.

Once a licence has been refused, suspended or revoked, the licence holder (or former licence holder) may [appeal](#) to the local Magistrates Court in order to challenge the Council's decision. There is no other recourse available should they wish the refusal, suspension, or revocation to be reversed.

Any person aggrieved by any conditions attached to a licence may also appeal to the Magistrates Court to challenge the Council's decision.

If an applicant or licensee is unsuccessful at the Magistrates Court, there may be a further right of appeal to the Crown Court.

An individual considering an appeal is advised to seek independent legal advice and to check the requirements for submitting an appeal with the relevant court.

#### **4.16 Records**

Details of any enforcement action will be recorded by the Council and kept on the licensee's record. This will form part of the history which will be reviewed when considering the appropriate action to take if further enforcement action is prompted.

## **5.0 Co-operating with Council Officers**

For the Council to undertake its functions effectively, licensed drivers and licensed private hire operators must co-operate with the Council's officers.

The licensee may be guilty of an offence if they:

- wilfully obstruct an authorised officer acting in pursuance of their powers under the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847.
- fail to comply with any requirements made to them by an authorised officer; or
- without reasonable cause fails to give an authorised officer any other assistance or information which they may require for the performance of their functions.

Where a licensee has been convicted of one of these offences (or a comparable offence), the Council will normally refuse to issue another licence to that licensee until a minimum of five years has elapsed since the completion of any sentence imposed.

## **5.1 Police Investigations**

From time to time the Police will notify the Council to advise that a licensee is under police investigation. The Council will assist the police with their investigations and provide them with any relevant information.

Where information that a licensee is currently being investigated comes to the attention of the Council, it will usually await the outcome of the investigation before taking any action in relation to the licensee's licence.

However, where the Council is concerned that there is an immediate risk to the public, it may take steps to revoke a licence prior to the completion of an investigation.

## **5.2 Further Legislation**

Licensees, where applicable, are expected to comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847 and any byelaws made in respect of hackney carriages.

The Council also expects licensees to comply with all relevant legislation, this Policy, licensing conditions, the code of conduct and any statutory guidance.

In addition, licensees must comply with the provisions of the Equality Act 2010 as amended Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 particularly in respect of wheelchair users and assistance dogs.

### 5.3 Wheelchair Users

The duties placed on a driver of designated wheelchair accessible hackney carriages and private hire vehicles are:

- not to refuse to take the passenger while in the wheelchair.
- not to make any additional charge for doing so if the passenger chooses to sit in a passenger seat.
- to take such steps as are necessary to ensure that the passenger is conveyed in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure/convey the wheelchair as appropriate.

The Council maintains a [list](#) of wheelchair accessible hackney carriages and private hire vehicles known as “designated vehicles”.

Failing to comply with the duties set out above may constitute an offence. Where a licensee has been convicted of an offence under the Equalities Act 2010 (or a comparable offence), the Council will normally refuse to issue another licence to that licensee until a minimum of seven years has elapsed since the completion of any sentence imposed.

### 5.4 Assistance Dogs

The duties placed on a driver of hackney carriages and private hire vehicles are:

- to carry the passenger’s assistance dog and allow it to remain with that person; and
- not to make any additional charge for doing so.

Failing to comply with the duties set out above may constitute an offence.

Disabled people that use assistance dogs have important rights under the Equality Act 2010. The law protects people with disabilities to ensure that they can enjoy the same rights as everyone else to use the services supplied by shops, banks, hotels, libraries, pubs, taxis, and restaurants.

As well as [blindness](#) assistance dogs are also trained to help people with hearing difficulties, epilepsy, diabetes, physical mobility problems and more.

Assistance dogs carry out a variety of practical tasks for people as well as supporting their independence and confidence.

## **5.5 Abuse of Drivers by Members of the Public**

The Council strongly disapproves of any form of abusive and/or discriminatory behaviour directed at drivers or operators by members of the public. However, the Council is not usually the appropriate authority to investigate such incidents.

Incidents of this nature should be reported to the [Police](#) using 101 so that they can be investigated. The Council will assist the Police in their investigations as far as it is appropriate and reasonable to do so.

The Council may investigate such incidents where they form part of a counter allegation following a complaint about a driver or operator.

## Appendix A

### Safety and Suitability, Applicants and Licence Holders in the Trade

1. The licensing process places a duty on the Council to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trade meet the required standards. Often previous offending behaviour can be considered as a predictor in determining future behaviour and is a useful tool in assisting the Council in fulfilling its duties.
2. The purpose of this policy is to specify how the Council will determine whether a particular person is fit and proper either to be granted a licence in the first place or to retain such a licence.
3. “Fit and proper” means that the person (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence. This test is considered on the balance of probability.
4. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. It is not simply concerned with that person’s behaviour whilst working in the trade. This consideration is also far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.
5. Ideally, all those involved in the trade will be persons of the highest integrity. The Council’s main aim is to ensure public safety, not punish applicants or licence holders. When considering whether someone is a fit and proper person, the Council will consider the range of customers using the trade, including:
  - vulnerable adults.
  - elderly people.
  - unaccompanied children.
  - disabled people.
  - those who have had too much to drink.
  - lone women.
  - tourists including visitors from abroad; and
  - unaccompanied property.
6. The Council hopes that where an applicant or licensee has to wait a while to get a licence, they will value it more highly.

## **Areas of Concern**

1. Key areas which are of particular concern to the Council are:
  - Honesty and trustworthiness – drivers often know that a customer is leaving a house empty; and they have opportunities to defraud drunken, vulnerable, or foreign people, or to steal property left behind by passengers in cars. Drivers must not abuse that position of trust.
  - Not abusive – drivers are often subject to unpleasant or dishonest behaviour. The Council does not expect drivers to retaliate with aggressive or abusive conduct. Drivers are expected to avoid confrontation, de-escalate situations and to tackle disputes through the proper legal channels. They should never take the law into their own hands.
  - Good and safe driving – Passengers rely on drivers to get them safely to their destination. As such, they should be fully aware of all road-traffic law and relevant licence conditions.

## **General Principles**

1. Within this policy, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
2. Convictions will not necessarily prevent the issuing or renewing of a licence. However, in certain circumstances this policy advises against a licence ever being granted. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and every case will be determined on its own merits.
3. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features.
4. The fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
5. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
6. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the issuing of a licence.

7. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to be Fit & Proper to hold a licence. The Council has powers to take action against the holder of all types of licence and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application may lead to that licence being suspended or revoked.
8. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process may result in a licence being refused, or if already granted, revoked, and may result in prosecution or other enforcement action being taken.
9. The direct impact on the public varies depending upon the type of licence applied for or held. However, there are some overriding considerations which will apply in all circumstances.
  - 9.1 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence may not be granted or renewed.
  - 9.2 Where a person is convicted of an offence which is not detailed in this policy, the Council will take that conviction into account and use this policy as an indication of the approach that should be taken, factors that will be considered include:
    - nature of the offence/conduct/charge.
    - seriousness of the offence/conduct/charge.
    - circumstances in which the offence/conduct/charge was committed.
    - timely notification to the Council of offence/conduct/charge.
    - circumstances of the individual concerned.
    - subsequent periods of good behaviour.
    - overall conviction/behaviour history.
    - sentence imposed by the court.
    - any other character factors considered reasonable (e.g., personal references); and
    - whether the protection of the public may be at risk; and
10. This policy does not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.



## **Drivers**

1. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle.
2. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
3. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
4. In relation to single convictions, the time periods set out in this guidance should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence is granted or renewed.

## **Private Hire Operators**

1. A private hire operator does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their employees or contractors for criminal or other unacceptable purposes.
2. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
3. Operators must ensure that any employees or contractors that are used within the business and are able to access any information as described above are subject to the same standards as the operator themselves. This can be affected by means of the individual employees or contractors being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using employees or contractors that do not meet the Council's overall criteria, that may lead to the operator's licence being revoked.
4. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

### **Vehicle proprietors**

1. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
2. Firstly, they must ensure that the vehicle is always maintained to an acceptable standard.
3. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
4. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
5. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to vehicle proprietors as those applied to drivers, which are outlined above.

### **Specific Types of Offence**

The time periods set out below will apply to applications for licences (new or renewal) and any re-applications following a period of suspension or revocation.

#### **Crimes resulting in death**

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person a licence will not be granted.

#### **Possession of a weapon**

Where an applicant or licensee has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **Offences involving violence**

As licensed drivers have close contact with the public, the Council will regard any convictions for violence as serious when deciding whether the applicant or licensee is fit and proper.

Where an applicant or licensee has a conviction for an offence of violence, or connected with any offence of violence, or an element of the offence is one of threats of violence or actual violence a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

## **Terrorism offences**

Where an applicant or licensee has been convicted of terrorism offences or any similar offences, this will give serious concern as to whether the person is fit to carry the public and a licence will not be granted.

## **Exploitation**

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants, or licensees with convictions for exploitation offences will cause concern. All exploitation offences will be considered as serious.

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed.

This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, but this is not an exhaustive list.

## **Sex and indecency offences**

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants, or licensees with convictions for sexual offences will cause concern. All sexual and indecency offences will be considered as serious.

Where an applicant or licensee has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant or licensee who is registered on the Sex Offenders Register or on any 'barred' list.

## **Dishonesty**

A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles.

The widespread practice of delivering unaccompanied property is indicative of the trust that businesspeople place in licensed drivers.

It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare.

Drivers may also deal with customers who are vulnerable or intoxicated and potentially easily confused.

Licence holders also have access to the names and addresses of their customers and their daily movements.

Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to a dishonest driver.

Nationally it has been known for drivers to pass information on vulnerable persons to others for later abuse or to abuse vulnerable persons, including taking money from such persons.

For all these reasons, a serious view is taken of any conviction involving dishonesty.

Where an applicant or licensee has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

The Council will normally refuse a licence if an applicant or licensee has been convicted for more than one dishonesty offence.

Applicants or licensees that are found to have intentionally misled the Council, or lied as part of the application process, will normally be refused.

### **Discrimination**

As licensed drivers have close contact with the public, the Council will regard any convictions for discrimination (including hate crime) as serious when deciding whether the applicant is fit and proper.

Where an applicant or licensee has a conviction involving or connected with discrimination in any form (including hate crime), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Drugs**

The Council takes a serious view of any drug related offence because taking drugs and driving poses an obvious risk to public safety.

Given the ease with which a vehicle can be used to assist the supply of drugs, any applicant or licensee who has convictions for the supply of drugs will cause considerable concern.

Where an applicant or licensee has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.

Where an applicant or licensee has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.

In these circumstances, any applicant or licensee may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

If there is evidence of persistent drugs use, misuse, or dependency a specialist medical examination may be required before a licence is granted. If the applicant or licensee is an addict, then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

Any applicant or licensee may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### **Drink driving/driving under the influence of drugs/using a hand-held telephone or hand-held device whilst driving**

Where an applicant or licensee has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.

In these circumstances, any applicant or licensee may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant or licensee has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### **Other motoring offences**

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).

Where an applicant or licensee has seven or more points on their DVLA licence for minor traffic or similar offences, a licence will not normally be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance, or any offence connected with motor insurance.

Where an applicant or licensee has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

The seven-year period remains in place even when penalty points expire and are removed from the DVLA licence.

## **Hackney carriage and private hire offences**

Where an applicant or licensee has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Vehicle use offences**

Where an applicant or licensee has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Totting Up**

Where an applicant or licensee has 12 or more penalty points on their DVLA licence, the court will normally disqualify them for at least 6 months under the totting-up rules. These points can be gained from major and minor traffic offences.

If the Court allows an 'exceptional hardship' so that they do not disqualify the applicant or licensee, the 12 penalty points will remain on the licence.

Where an applicant or licensee has been, or could have been, disqualified under totting up, a licence will not be granted until at least five years have elapsed free of convictions.

## **Motoring Convictions**

1. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public.
2. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously.
3. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.
4. Subsequent convictions reinforce the fact that the applicant or licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

## **Spent Convictions**

1. The Rehabilitation of Offenders Act 1974 served to treat applicants whose convictions were 'spent' as if they had not been charged with, convicted of or sentenced for those offences; and applicants with 'spent' convictions were under no duty to disclose their existence.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 2002 was then amended to mean that convictions are never 'spent' for the purposes of taxi driver licensing.

However, further amendments made to the Exceptions Order in 2013 have effectively blocked councils from being able to look at an applicant's offences.

New categories of 'protected cautions' and 'protected convictions' have been introduced, which mean that after the passage of time the applicant must be treated as not having been charged with, convicted of or sentenced for any of those offences.

For a conviction to become 'protected' it must be the only conviction that the individual has received, so in practical terms this is likely to be less troublesome than cautions that become 'protected', where this happens simply by the passage of time.

This means that councils cannot consider an applicant's protected cautions even where they form part of a pattern of behaviour which, when looking at the totality of the individual's conduct, would render them unsuitable to be licensed.

In the case of people with criminal records who have been issued with licences, the fact that cautions become 'protected' by the passage of time will mean that the council now need to 'forget' information that they have held, and which their policies potentially indicate is relevant to the person's fitness and propriety.

We should ensure that we only ask for (and have regard to) information that we can lawfully consider; and moreover, the Rehabilitation of Offenders scheme needs to be defined in terms that allow all councils to look at a person's criminal conduct as a whole and to make a fully informed assessment in the interests of public safety.

2. There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of this the suggested timescales are intended to reduce the risk to the public to an acceptable level.

### **New Convictions**

For licensees who are renewing their licences, convictions which have already been considered by the Council when granting a previous application will not require reconsideration. However, should a DBS check reveal a new offence then this will require further consideration.

## **Convictions for Attempt or Conspiracy**

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

## **Ongoing Matters**

1. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
2. Where an existing licensee is charged, the Council will decide the appropriate action to take.

## **Cautions, Fixed Penalties and Penalty Notices**

1. The Council will consider all fixed penalties and formal cautions. Cautions may not always be as serious as convictions, but they will give some indication as to character. The Council will bear in mind that a caution is given where there is sufficient evidence for a prosecution. An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction.
2. Fixed penalties and community resolutions will also be considered in the same way as a conviction. This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.
3. Penalty notices are like fixed penalties but are issued for a wide range of offences of an anti-social nature. These include behaviour likely to cause harassment, alarm or distress to others, drunk-and-disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. The Council will also consider these because they can give an indication of character.

## **No Conviction**

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be considered by the Council.



### **Complaints**

1. Complaints where there was no police involvement will be considered by the Council.

### **Mitigation**

1. If a court finds a person has committed an offence, the Council must accept this at face value so it cannot consider a person's belief that they were not guilty. However, a person can explain to the Council any mitigating factors that led to the offence and where appropriate these will be considered.

## Appendix B

### Driver Application Form and Statutory Declaration

1. Applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is relevant or requested. This includes:
  - previous convictions.
  - warnings and reprimands.
  - arrests.
  - current investigations.
  - pending criminal proceedings.
  - motoring offences.
  - penalty points on driving licence.
  - pending motoring offences or penalty points on driving licence.
  - driving disqualifications.
  - speeding fines.
  - attendance at courses in lieu of penalty points on driving licence.
  - formal or informal cautions.
  - fixed penalty notices.
  - anti-social behaviour orders; and criminal behaviour orders.
2. All types of criminal offences may be relevant. The Council takes into account all convictions, regardless of the applicant's age at the time of the offence, sentence or the type of offence.
3. When assessing the fitness of an applicant to hold a driver licence, the Council will consider the applicant's criminal history, together with all other relevant evidence, information and intelligence including their history (e.g., complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with the Council and other statutory authorities) whilst holding a licence from the Council or any other authority.
4. Further information is set out in Appendix A.
5. An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council as part of any process associated with the administration or determination of a licence.

## **Driving Licence**

1. A person applying for a driver's licence must be:
  - a minimum of 18 years old; and
  - have held a full UK DVLA category B driving licence for at least 1 year at the time of application.
2. EU driving licence holders are required to convert their licence to a UK DVLA driving licence prior to an application being made.
3. A licensee must possess a full driving licence in accordance with the above requirements throughout their licence period.
4. Where a driver has received a ban from driving under their UK DVLA licence they must return their drivers licence, issued by the Council, to the Council within 7 working days.
5. Applicants are required to produce the original of their driving licence, whether it is a photo card or old-style paper licence.
6. A holder of a UK DVLA driving licence must also provide a valid code to enable the Council to carry out an online check of their driving history.
7. All applicants holding driving licenses issued by countries other than the UK or those within the EU/EEA must produce a certificate to show a driving record from the country of issue.
8. If the driving licence was not issued in the UK or EU/EEA then they must comply with the Government requirements on exchanging/applying for a UK DVLA licence prior to an application being made.

## **Right to Work in the United Kingdom**

1. Applicants must provide proof that they have a statutory right to work in the UK. This applies to everyone regardless of where they were born; how long they have lived in the UK and, if they already hold a driver or operator licence, or for how long they have held that licence.
2. Where an applicant that has a limited right to work shall not be issued a licence for a period longer than that limited period.
3. Where an applicant is subject to [immigration](#) controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the UK.
4. Only certain forms of documentation are acceptable; the list can be found here: <https://www.gov.uk/government/publications/right-to-work-checklist>
5. British Citizens are only required to produce their British passport or one of the documents contained in List A of the right to work checklist.

6. If an applicant or licensee has restrictions on their right to work in the UK, they must produce one of the documents in List B on the right to work checklist.
7. Please note that the original document must be provided. The Council will not accept photocopies, scans or photos.
9. If an applicant or licensee does not possess any of the mentioned forms of documentation, they must let the Council know as soon as possible. It is an applicant or licensee's responsibility to make sure that they can provide one of the acceptable forms of documentation, and they should take steps to obtain the necessary documentation.
9. If the documentation an applicant or licensee provides demonstrates that they have a permanent right to work in the UK, they will not be required to produce this on future applications.
10. In all other cases, an applicant or licensee will be required to provide documentation each time they apply to renew their licence. An applicant or licensee may be required to produce this evidence earlier if their right to work in the UK is limited to a shorter period.
11. Please note, that if an applicant or licensee has a visa that confirms their stay in the UK that is attached to an expired passport, this is no longer accepted.

### **The Disclosure & Barring Service (DBS)**

1. The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children. A [DBS](#) check on a driver is seen as an important safety measure.
2. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed.

Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. An enhanced disclosure in relation to the child and adult workforce or other workforce employment position

through the DBS is required by the Council. These disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.

3. Both hackney carriage and private hire drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Accordingly, all drivers will be asked to disclose on their application form any caution or conviction even if it is considered spent for other purposes. Applicants should also disclose those matters that will be revealed on the DBS certificate.
4. Where minor cautions and convictions are historic, the Licensing Officers may provide guidance on how they may be treated. Such cautions and convictions are sometimes referred to as “protected”. Where an applicant is unsure about how to progress with an application, they should seek their own independent advice.
5. Applicants and licensees are responsible for meeting the costs of obtaining any DBS certificates required.
6. DBS certificates must either be applied for through the Council or have been issued by another local authority in the UK within the previous four weeks. The Council will also accept DBS certificates for the child and adult workforce or other workforce employment position where the applicant or licensee has registered for the DBS update service.
7. Where a licence is not issued within three months of the date of the DBS certificate, a new DBS certificate will be required.
8. All new applicants and existing licensees renewing their licences are required to register for the DBS update service which enables the Council to carry out future annual checks online and free of charge.
9. Applicants with periods of residency outside the UK.
10. If an applicant was not born in the UK and moved to the UK after they reached 12 years of age, the Council will need to see a certificate to prove that they do not have a criminal record in their country of birth or in any other country that they may have lived in before coming to the UK. If these certificates are not in English, they must be translated by an official translator with a certificate from the official translator.
11. If an applicant has spent six continuous months or more overseas, after the age of 12 years, the Council will need to see evidence of a criminal record check from the country/countries visited covering the period that the applicant was overseas.
12. For EU countries suitable checks should be available.
13. For those countries for which such checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy or

high commission. Such certificate must be authenticated, translated, and sealed by the relevant embassy or high commission. Guidance can be found here: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

14. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the gov.uk website at: <https://www.gov.uk/government/world>
15. Where an existing licence is reviewed, the Council may require the licence holder to complete a further enhanced DBS check. Where a licence holder refuses, the matter may be referred to the Licensing Committee and this may be taken into consideration in determining their continuing fitness to hold a licence.

### **Multi-agency Safeguarding Hub (MASH)**

1. Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
2. [The Home Office report](#) on Multi Agency Working and Information Sharing recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 Inquiry into Child Sexual Exploitation in Gangs and Groups found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.
3. All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e., the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### **Group 2 Medicals**

1. The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers and they may have to assist disabled passengers and handle luggage.
2. Any medical examinations required to be undertaken by an applicant or licensed driver will be at that person's expense.
3. All licensed drivers are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council may reasonably require to ensure their fitness to drive.

4. Holders of public service vehicle and/or large goods vehicle licenses, where the holder can produce proof of driving entitlement, shall not be required to undergo a medical examination whilst they hold such licences.
5. The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'. The standards are amended from time to time and can be found online at:  
<https://www.gov.uk/government/publications/at-a-glance>
6. The standard required by the Council is the 'Group 2 Entitlement'.
7. All new applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued for the first time and thereafter every 5 years in line with DVLA standards and DFT best practice guidance.
8. The medical must be filled out on the Council's medical form (based on the DVLA's Medical Examination Report (D4)). The medical must be carried out either by the applicant's own GP or by a medical practitioner that can gain access to that individual's full medical history. Any other medical will not be accepted.
9. The medical cannot be more than 6 months old at the time the licence is issued. It is therefore advisable to complete the application process as soon as possible if you are a new applicant.
10. All licensed drivers aged 65 and over must undertake a medical examination annually and produce the report to the Council.
11. Failure to do so may result in a licence being suspended or revoked.
12. The Council may also require drivers to undertake more regular medicals if their medical condition warrants it. Applicants must consider the medical conditions listed in the current DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'), as the Council may refuse to grant an application or revoke an existing licence where an applicant is unable to meet the nationally recommended guidelines in respect of the listed medical conditions.
13. In addition, if there is reason to suspect alcohol/drugs misuse or dependency, a specialist medical examination and report may be required to ensure that the applicant or licensee meets the DVLA Group 2 medical standards in relation to alcohol/drugs misuse and dependency.
14. If, once licensed, the driver's medical circumstances change during the licence period, the driver must inform the Council within 5 working days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licensed driver.

15. Where the Council has reason to believe that a licensed driver has a medical condition that renders them unfit to drive, a further medical examination will be requested. The cost of the further medical examination will be met by the licensed driver.
16. With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a driver's licence.

### **Medical Exemptions**

17. Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant or licensed driver must provide sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required for the driver to carry out their duties.
18. The Council reserves the right to refuse to grant an exemption if sufficient medical proof is not provided and it is deemed appropriate to do so. Examples of sufficient proof include results of blood tests, skin tests and evidence of the individual's clinical history.

### **Insulin Treated Diabetes**

19. For drivers with Diabetes, or insulin treatment, additional information listed below may be required.
20. You are reminded that a licensed driver is responsible for informing the licensing section of any changes to their health, which includes diabetes. The Group Two Medical form currently asks if a driver is treated with tablets carrying hypoglycaemia risk or insulin injections. If the answer to either of those questions is yes, the driver needs to inform the Council as soon as possible and provide written confirmation.

If diagnosed as requiring treatment by injected insulin or tablets, carrying hypoglycaemia risk, the driver will need to inform the Council as soon as possible and provide written confirmation (in addition to this medical report) from their doctor or Diabetic Nurse/Consultant of.

- the date of being diagnosed.
- that there has not been any severe hypoglycaemic event in the previous 12 months (the law defines 'severe' as an episode of hypoglycaemia requiring the assistance of another person).
- the driver has full hypoglycaemic awareness.



- the driver must show adequate control of the condition by regular blood glucose monitoring (must use a glucose meter with sufficient memory to store 3 months of readings), at least twice daily and at times relevant to driving.
- the driver must demonstrate an understanding of the risks of hypoglycaemia and.
- there are no other declaring complications of diabetes.
- Licensees diagnosed as requiring treatment by insulin, or tablets carrying hypoglycaemia risk, will be required to submit to the Licensing Authority on an annual basis the following.

A medical report/letter from their doctor or Diabetic Nurse/Consultant confirming.

- that during the preceding 12 months the licensee has not suffered a hypoglycaemic episode requiring assistance whilst driving; and
- the licensee has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack.

### **The Councils Driving Assessment**

1. The application of a higher standard than private motorists is considered appropriate and proportionate and all new drivers **MUST** take and pass a practical driving test, specifically for private hire and hackney carriage drivers. A pass certificate will be deemed acceptable for 12 months from the date of the test.
2. The aim of the hackney carriage and private hire assessment is to provide a high level of credibility with customers, by providing an assurance of a minimum standard of quality, whilst helping to promote the hackney carriage/private hire as a safe, reliable mode of transport.
3. Applicants for the grant of new driver licenses will be required to present a certificate from the Council's approved driving assessor for an assessment for taxi and private hire drivers.
4. An existing licensed driver may be required to undertake such an assessment in certain circumstances, namely:
  - obtaining 6 or more penalty points on their UK DVLA driving licence.
  - one serious or three minor fault accidents within a one-year period; and
  - a serious complaint(s) about driving standards.
5. This list is not exhaustive and there may be other reasons for requiring an existing licensed driver to undertake an assessment. In all instances, a driver will receive a letter explaining the reasons for requiring an assessment.

6. If a currently licensed driver does not comply with the request for an assessment, the matter may be referred to the Licensing Committee for consideration of whether the driver remains fit and proper to hold a licence.

### **Knowledge Test**

1. All new applicants for a driver licence will need to pass the Council's knowledge test.
2. This is an assessment based on:
  - the conditions of licence for a private hire driver or hackney carriage driver (as appropriate).
  - HBBC byelaws for a hackney carriage driver.
  - the highway code.
  - local area knowledge; and
  - working out fares and giving change.
3. Applicants will be permitted to sit the assessment a maximum of three times and if it is not passed within this time, will be required to wait for 12 months before re-taking the assessment. The 12 months will start from the date of the third failed test.
4. An 80% pass mark is required and failure to answer certain fundamental questions correctly will result in an automatic failure of the test.
5. Feedback on an applicant's performance on the test can be requested and copies of each test will be retained on the applicant's file. Copies of the completed test will not be released to applicants.
6. The relevant conditions of licence and the list of local buildings and local routes are available on request from the Council.
7. Where an applicant fails the knowledge test there is an additional fee for every subsequent test (irrespective of whether the applicant sits the test). Once an appointment has been allocated for the test, the applicant must give one clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee.
8. If an applicant requires any reasonable adjustments to be made because of a disability or otherwise to take the test, they should make the Council aware and suitable arrangements can be put in place.
9. Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test (and the test will be deemed a failure). They will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.

10. The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the request of the Council (e.g., because of enforcement action being taken).

### **Language Proficiency**

1. Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver. Where necessary applicants must provide a [certificate of competence](#) from a training provider approved by the Government.
2. Applicants will be permitted to sit the assessment a maximum of three times and if it is not passed within this time, will be required to wait for 12 months before re-taking the assessment. The 12 months will start from the date of the third failed test.
3. If an applicant cannot satisfy the Council that their standard of English is suitable then the application may be referred to the Licensing Committee for consideration.

## **Safeguarding and Child Sexual Exploitation Awareness**

1. Drivers are on the frontline, often meeting people who may be vulnerable, for example because they are young, have learning difficulties, be suffering ill health, or be elderly or who have drunk to excess on a night out, or who may have taken an illegal substance. Such persons may be travelling alone or accompanied by another person.
2. Sadly, there are persons who prey on precisely these people and drivers are often best placed to raise concerns over what they hear or see occurring whilst in their vehicles. Drivers may also have concerns over the vulnerability of passengers who are being dropped off at locations in or out of the Borough. For example, drivers in other authorities have reported concerns that young persons are being dropped off at a particular guest house, hotel or house and are either distressed before being dropped off or after they have been picked up as a fare paying passenger.
3. As such, new driver applications must complete a safeguarding and child sexual exploitation course, with a training provider approved by the Council before the licence can be granted.
4. Existing drivers must complete a safeguarding and child sexual exploitation course, with a training provider approved by the Council before their next licence renewal.
5. Licensed drivers will then be required to undertake a safeguarding and child sexual exploitation course every 3 years, with a training provider approved by the Council, from the anniversary of the date they took the initial course.
6. Since 2015, the Department for Education (DfE) has run a nationwide campaign – ‘Together, we can tackle child abuse’ which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

## **County Lines**

1. [County lines](#) is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.
2. Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15 and 17 make up most of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited, and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims.

3. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, and substance misuse issues, being excluded from school or frequently going missing.
4. The National Crime Agency's 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.
5. Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:
  - Children and young people travelling in taxis or private hire vehicles alone.
  - travelling at unusual hours (during school time, early in the morning or late at night).
  - travelling long distances.
  - unfamiliar with the local area or do not have a local accent.
  - paying for journeys in cash or prepaid.
6. The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.
7. Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate, they should contact the police otherwise they should:
  - use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority.
  - call Crime Stoppers on 0800 555 111.

## **Disability Awareness**

1. Drivers of wheelchair accessible vehicles are required to undertake specific training in disability awareness and how to safely load, secure and unload wheelchair passengers.
2. This training is to ensure the safety of both the driver and the passenger when a passenger in a wheelchair wishes to undertake a journey in an accessible vehicle.
3. This training is to be carried out at the driver's expense with a training provider approved by the Council. A pass certificate must be presented to the Council within three months of a driver acquiring a wheelchair accessible vehicle.
4. If a currently licensed driver does not present a pass certificate to the Council, the matter will be referred to the Licensing Committee for consideration of whether the driver remains fit and proper to hold a licence.
5. The training or assessment should include but not be limited to:
  - The features of an inclusive, high-quality service.
  - Appropriate attitudes, behaviours, and skills.
  - Assistance that can be provided to all passengers.
  - Protected characteristics, and related Equality Act 2010 duties as amended.
  - Understanding the different barriers that disabled people face when using taxis and private hire vehicles, and how they might be identified.
  - The role of taxis and private hire vehicles in enabling disabled people to be independent and the role of drivers and operators in facilitating this.
  - How to communicate with people with different communication needs.
  - How to assist people with a range of visible and less visible impairments.
  - Supporting wheelchair users to board, alight and travel in safety and comfort whilst seated in their wheelchair.
  - Legal obligations towards disabled passengers and the consequences of not complying with them.
  - An assessment of the trainee's knowledge and skills.

[The REAL disability equality training programme](#) created on behalf of the Department for Transport should be considered when assessing disability awareness training needs.

## APPENDIX C

### HACKNEY CARRIAGE VEHICLES

1. Vehicles that are licensed at the time this policy is adopted may continue to be licensed until either:
  - they fail the Ministry of Transport test at which point it will cease to be suitable for licensing; or
  - they reach the maximum age of 15 years; or
  - they do not meet the emission standard (Appendix E) by December 2030.
  
2. From the time this policy is adopted any vehicle applying for the grant of a new plate will need to be less than 6 years old when first licensed and comply with one of the following vehicle emission standards:
  - Euro 6 petrol or Euro 6 diesel
  - Ultra-low emissions vehicle ([ULEV](#))
  - Zero emissions vehicle (ZEV)
  
3. Any replacement vehicle or transfer of a vehicle licence after December 2030 must meet the Ultra-Low Emissions standards as defined in Appendix E.
  
4. When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle.
  
5. The vehicle age policy is introduced with the aim of improving the condition of licensed vehicles. Mandating the maximum operating age means that no taxi will be licensed to operate over its relevant age limit.
  
6. A taxi will not be relicensed if the licence will expire after the date on which the taxi reaches 15 years old. The latest date it could be relicensed would be when it was 14 years old. The licence would then expire on the same day as the taxi was 15 years old.

## **SPECIFICATIONS**

1. Vehicles must seat not less than four (4) or more than eight (8) passengers (not including the driver) and:
  - be a “Light Passenger Vehicle” as defined by Section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels.
  - be fitted with a taximeter, calibrated to the Council’s tariff.
  - be fitted with an illuminated roof sign.
  - provide sufficient means by which any person in the carriage may communicate with the driver.
  - all paintwork must be maintained in a uniform colour and free from dents, scratches, or rust.
  - have a watertight roof or covering.
  - provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing.
  - have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986.
  - have seats that are properly cushioned and covered.
  - have a floor provided with a proper carpet, mat, or other suitable covering.
  - have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
  - provide means for securing luggage if the carriage is so constructed as to carry luggage.
  - be fitted with an anti-lock braking system.
  - where tilting passenger seats are fitted (except where these are part of the manufacturer’s original vehicle specification), the seat must:
    - be forward facing (except for the fold down seats fitted onto the bulkhead/partition of a purpose-built hackney carriage) and be designed for use by an adult.
  - have a 3-point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986.



- have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver.
- be always maintained in a sound mechanical and structural condition.
- have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;
- vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes.

## **TAXIMETERS**

### 1. Taximeters must be:

- certified by a recognised body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to be displayed on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action or switched off and that no fare is recorded on the face of the taximeter;
- calibrated against an appropriate standard to ensure the tariff charged does not exceed the tariff determined by the Council.
- calendar and time controlled.
- fixed to the vehicle with appropriate seals/appliances, where possible, to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
- have the word 'FARE' displayed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon.

## **WHEELCHAIR ACCESSIBLE VEHICLES**

1. [Wheelchair Accessible Vehicles](#) must:
  - be able to accommodate at least one wheelchair using passenger.
  - have a designated space capable of accepting a wheelchair of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.
  - be configured to enable wheelchairs to be loaded from either the side or the rear of the vehicle.
  - contain a system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion.
  - have a suitable restraint available to the occupant of the wheelchair.
  - have a ramp or ramps, or other approved lifting device present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant, and helper. When deployed ramps must run flush with the vehicles interior floor level; and
  - if fitted with any lifting device be regularly tested in accordance with any applicable health and safety regulations for such devices and maintained in good working order.

## APPENDIX D

### PRIVATE HIRE VEHICLES

1. Vehicles that are licensed at the time this Policy is adopted (whether they are wheelchair accessible or not) may continue to be licensed until either:
  - they fail the M.O.T. test at which point the vehicle will cease to be suitable for licensing; or
  - they reach the maximum age of 15 years; or
  - they do not meet the emission standard in Appendix E by December 2030.
2. From the time this policy is adopted any vehicle applying for the grant of a new plate will need to be less than 6 years old when first licensed and comply with one of the following vehicle emission standards:
  - Euro 6 petrol or Euro 6 diesel
  - Ultra-low emissions vehicle ([ULEV](#))
  - Zero emissions vehicle (ZEV)
3. Any replacement vehicle or renewal or transfer of a vehicle licence after December 2030 must be either an Ultra-Low Emissions Vehicle or a Zero Emission Vehicle.
4. When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle.
5. Mandating the maximum operating age means that no vehicle will be licenced to operate over its relevant maximum age limit.
6. A private hire vehicle will not be relicensed if the licence will expire after the date on which the vehicle reaches 15 years old. The latest date it could be relicensed would be when it was 14 years old. The licence would then expire on the same day as the taxi was 15 years old.

### SPECIFICATIONS

1. Vehicles must seat not less than four (4) or more than eight (8) passengers (not including the driver) and:
  - be a “Light Passenger Vehicle” as defined by Section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Unless already licensed at the implementation of this Policy, vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will not generally be considered suitable for licensing.

- it must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
- vehicles presented to be licensed for private hire for the first time are encouraged to be wheelchair accessible, but they do not have to be. Where the vehicles are wheelchair accessible, they may be purpose built or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that can carry a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval).
- provide sufficient means by which any person in the carriage may communicate with the driver.
- all paintwork must be maintained in a uniform colour and free from dents, scratches, or rust,
- have a watertight roof or covering.
- provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing.
- have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986.
- have seats that are properly cushioned and covered.
- have a floor provided with a proper carpet, mat, or other suitable covering.
- have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- provide means for securing luggage if the carriage is so constructed as to carry luggage.
- be fitted with an anti-lock braking system.
- have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver.
- be always maintained in a sound mechanical and structural condition.
- have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must

be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;

- be always maintained in a clean and safe condition from both exterior and interior perspectives.
- vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes.
- minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.
- Proprietors are always encouraged to have provision for the legal transportation of a minimum of one wheelchair.

## **WHEELCHAIR ACCESSIBLE VEHICLES**

2. [Wheelchair Accessible Vehicles](#) must:

- be able to accommodate at least one wheelchair using passenger.
- have a designated space capable of accepting a wheelchair of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.
- be configured to enable wheelchairs to be loaded from either the side or the rear of the vehicle.
- contain a system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion.
- have a suitable restraint available to the occupant of the wheelchair.
- have a ramp or ramps, or other approved lifting device present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant, and helper. When deployed ramps must run flush with the vehicles interior floor level; and
- if fitted with any lifting device be regularly tested in accordance with any applicable health and safety regulations for such devices and maintained in good working order.

## **LIMOUSINES**

1. For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle.
2. The vehicle shall be capable of carrying up to, but not exceeding, eight passengers. Applicants are directed towards the DVSA 'Guidance for Operators of Stretch Limousines' (March 2011).
3. Limousines may be licensed by the Council however the over-riding consideration will be the safety of the vehicle. Such types of vehicles will only be licensed as private hire vehicles. If additional documents are requested to ascertain the safety of the vehicle these will be required to be provided to the Council prior to any vehicle licence being issued. Such documents will be in original form or as copies certified by the vehicle builder (uncertified photocopies will not be accepted). Any vehicle licence issued may be subject to additional conditions. These requirements are in addition to the documents required and the conditions applicable to standard private hire vehicle licensing. Proprietors may also apply for a Private Hire Vehicle Exemption Certificate.
4. The following additional documentation must be produced prior to licensing of a limousine:
  - Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.
  - Public Liability Insurance documentation for a minimum of £5,000,000 and, where drivers other than the proprietor are used, Employer Liability Insurance documentation for a minimum of £10,000,000.
  - Documentation recording the overall weight of the vehicle (as displayed on the vehicle).

## **PRIVATE HIRE VEHICLE PLATE EXEMPTION CERTIFICATES**

1. The Local Government (Miscellaneous Provisions) Act 1976 prohibits a licensed private hire vehicle being used without the identification plate issued by the Council being displayed upon the vehicle. It also provides that the driver of said vehicle must always wear their identity badge when they are driving it.

2. The legislation allows the Council to attach conditions to a private hire vehicle licence including the displaying of door signs upon the vehicle, colour of the vehicle and level tint permitted in the windows. A proprietor can request to be exempt from displaying the vehicle licence plates and wearing the driver's badge, and also to be exempt from conditions attached to private hire vehicle licenses such as those detailed above.
3. The Council may issue a written notice (referred to here as a Private Hire Vehicle Exemption certificate) that exempts the proprietor of the vehicle from having to display the identification plates. The Private Hire Vehicle Exemption certificate can be used to exempt a vehicle from displaying plates at specific times or can give a blanket exemption. If the Council issues a Private Hire Vehicle Exemption certificate, then the legislation provides that the driver of said vehicle does not have to wear their driver's badge.
4. The legislation is silent on the reasons why a Council may choose to grant such an exemption to not display signs, plates, and the driver's badge or to comply with certain conditions.
5. There are currently a small number of local operators that benefit from a Private Hire Vehicle Exemption certificate and the Council's starting position is that a Private Hire Vehicle Exemption certificate will only be granted in very limited circumstances.
6. While there is a standard process for requesting and determining a Private Hire Vehicle Exemption certificate, there is an absence of criteria within the legislation to provide guidance on when an exemption should be granted. The Council considers that a reason for granting a Private Hire Vehicle Exemption certificate includes, but is not limited to, executive hire and security concerns for high profile clients. Where appropriate, the Council will request documentary evidence to support an application for a Private Hire Vehicle Exemption certificate.
7. Use of the vehicle outside of the exemption is permitted by the legislation provided door signs and licence plates are reapplied. However, if a vehicle has been granted a Private Hire Vehicle Exemption certificate that restricts the use of the vehicle to contract work only then a condition will be placed on the vehicle licence that it may not be used for 'general private hire bookings' such as a trip to the shops or home from a restaurant.
8. All exempted vehicles must always carry their licence plates and the Private Hire Vehicle Exemption certificate in the boot of the vehicle and produce them to the Council or the Police upon request.
9. If a proprietor of an exempted vehicle applies to transfer it to another person, then that person will also have to apply for a new Private Hire Vehicle Exemption certificate. Private Hire Vehicle Exemption certificates cannot be transferred from one person to another, or from one vehicle to another.

## APPENDIX E

### VEHICLE EMISSIONS

1. Following extensive consultation, to help reduce emissions and improve air quality for everyone, licensing requirements for vehicles will be changing, it is important to set standards that are common to all licensed vehicles to ensure a level playing field.
2. The exhaust emission standard is critical to the level of pollutants emitted, to improve air quality and reduce emissions the following standard will be introduced.
3. From the time this policy is adopted any new application for a hackney carriage vehicle plate which is to be licensed for the first time must be less than 6 years old per the DVLA registration document and comply with one of the following vehicle emission standards:
  - Euro 6 petrol or Euro 6 diesel
  - Ultra-low emissions vehicle ([ULEV](#))
  - Zero emissions vehicle ([ZEV](#))
4. From the time this policy is adopted any new application for a private hire vehicle plate which is to be licensed for the first time must be less than 6 years old and comply with one of the following vehicle emission standards:
  - Euro 6 petrol or Euro 6 diesel
  - Ultra-low emissions vehicle ([ULEV](#))
  - Zero emissions vehicle ([ZEV](#))
5. Any replacement vehicle or renewal or transfer of a vehicle licence after December 2030 must be either an ultra-low emission vehicle or a zero-emission vehicle and meet the emission standards shown at point 6 or 7.

#### **Existing Wheelchair Accessible vehicles**

6. All existing or replacement wheelchair accessible hackney carriage vehicles must be an ultra-low emission vehicle or zero emission vehicle by December 2030. A ULEV will be defined as a vehicle emitting less than 50gCO<sub>2</sub>/km and capable of travelling at least 70 miles with zero emissions.

#### **Existing Saloon Hackney Carriage & Private Hire Vehicles**

7. All existing licensed vehicles must be an ultra-low emission vehicle or zero emission vehicle by December 2030. A ULEV will be defined as a vehicle emitting less than 50gCO<sub>2</sub>/km and capable of travelling at least 70 miles with zero emissions.



## APPENDIX F

### PENALTY POINTS SCHEME

#### Hackney Carriage and Private Hire Vehicle, Driver, and Operator

Private Hire Operators, Hackney Carriage and Private Hire Drivers and Hackney Carriage and Private Hire Vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Council's Byelaws and the Rules, and Regulations and Conditions set by the Licensing Committee. Should Combined Hackney Carriage/Private Hire Drivers, Hackney Carriage Proprietors, Private Hire Vehicle Proprietors or Private Hire Operators commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the Council's offices for an interview. The Licensing Authority will then exercise its discretion on the appropriate response, which may result in penalty points being awarded, a formal warning, referral to the Licensing Committee and/or prosecution.

The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct so as to ascertain whether they are a fit and proper person to hold a licence. It does not prejudice the Council's ability to take other actions.

If a driver has accumulated 12 points within 24 months, the drivers' licence will be re-evaluated to consider whether the criteria has been breached and the driver will have the opportunity to offer mitigation for any of the offences that led to the imposition of the points. The authority will then exercise its discretion on the appropriate response.

The primary objective of the penalty point's scheme is to improve the levels of compliance and help improve the standards, safety, and protection of the travelling public

#### Penalty Points Scheme

1. Before Penalty Points are issued there must be sufficient evidence to prove the offence or breach of conditions.
2. Each case/offence will be considered on its own merits.
3. Nothing in the Scheme will stop the Council from taking action under any appropriate legislation.
4. Nothing in the Scheme will stop the Council from taking other enforcement action such as revocation or suspension.
5. In general, contraventions involving risk to the public or officer safety will be dealt with under other enforcement powers available to the Council.
6. Where it is decided that the use of Penalty Points is appropriate the Penalty Points will be issued in accordance with point 8.

7. The imposition of Penalty Points issued against a driver who is an employee (e.g., for an Operator) will not necessarily result in the imposition of points against his/her employer. The Council will consider whether there is a joint responsibility for a breach or contravention. If there is found to be a joint responsibility penalty points may be imposed on one or more licence holder(s).

8. Where Penalty Points are issued the proprietor or driver will be sent written confirmation within 5 working days.

9. Penalty points can only be issued by Officers only in line with the Councils scheme of delegation.

10. There is a right of appeal against the issue of any Penalty Points to a Licensing Sub-Committee any appeals have to be made to the Committee Chairman in writing within 21 days of the date of the notification of penalty point's letter.

11. When the Sub-Committee has reviewed the decision to issue Penalty Points, they have the power to:

- Take no action
- Increase the points
- Decrease the points

12. Any Penalty Points will remain valid ("live") for a period of 24 months.

13. The valid ("live") period is calculated on a roll forward basis, to allow any older Penalty Points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

14. Any driver, proprietor or operator who accumulates 12 Penalty Points in a 24-month period will be required to appear before the Council's Licensing Committee.

15. There is no financial penalty associated with the Penalty Points Scheme and the licence holder may continue to work unless their licence is suspended or revoked by the Licensing Committee or under a Delegated Decision.

16. The licence holder will be asked to attend a meeting with the Committee if 12 or more Penalty Points are imposed on an individual licence in a 12-month rolling period.

17. When a licence holder is brought before the Committee, they have the power to exercise one of the following options:

- Take no action
- Suspend the licence
- Revoke the licence
- Issue a written warning which will remain on file for a period specified by the committee
- Extend the 12-month period in which the points remain live
- Take any other action they feel is appropriate in the circumstances

- Refer the matter back to Officers with a recommendation for Penalty Points to be issued under the Scheme

18. The Committee does not have the power to issue Penalty Points to Licence Holders. If the Committee feel the issuing of Penalty Points is appropriate, they can refer the matter back to Officers with a recommendation for Penalty Points to be issued under the Scheme.

19. If members revoke or suspend a licence there is a right of appeal to the Magistrates Court, within 21 days of notification of the decision to revoke or suspend a licence.

20. Periods of suspension of a licence will be dependent on the nature of each breach, contravention of legislation or breach of requirements of the Councils policy.

21. Any licence holder having to appear before the Licensing Committee for accumulating 12 Penalty Points in a 24-month period shall be entitled to make representations to the Committee.

22. Any licence holder having to appear before the Licensing Committee for accumulating 12 Penalty Points in a 24-month period shall be entitled to bring a friend, colleague or legal representative to the Committee meeting to support or represent them.

23. Any licence holder given a suspension, or who has had their licence revoked, shall be entitled to appeal to the Magistrates Court within 21 days of receiving notification of the Committees decision.

24. When the Committee has considered a matter any Penalty Points accumulated will be deemed as spent unless the Committee decides otherwise.

25. If the Committee decides that any Penalty Points shall remain live the Committee must stipulate the date at which they will expire and be deemed spent.

26. The letter Y indicates likely recipients of penalty points for infringements but are not limited to those recipients only.

27. Certain infringements may result in drivers and/or proprietors and/or operators all receiving penalty points.

<b>Offence/Breach of Conditions</b>	<b>Points</b>	<b>Driver</b>	<b>Vehicle owner or Operator</b>
Providing a false or misleading information on a licence application form/failing to provide relevant information or pay the relevant fee (including dishonoured cheques)	6	Y	Y
Failure to notify the Council, in writing, of a change of name or address within 14 days	3	Y	Y
Refusal to accept hiring without reasonable cause	3	Y	

Unreasonable prolongation of journey	6	Y	
Misconduct relating to the charging of fares	6	Y	
Plying for hire by Private Hire Drivers or Hackney Carriage drivers plying for hire outside the district	9	Y	Y
Private Hire Vehicle parking or waiting on a Taxi rank	9		Y
Inappropriate behaviour at a taxi rank	1 to 12	Y	
Leaving a Hackney Carriage unattended at a rank	4	Y	
Failure to produce relevant documentation, within the relevant timescales when requested to do so by an Authorised Officer	4	Y	Y
Unsatisfactory condition of the vehicle (interior or exterior)	4	Y	Y
Failure to undergo a 12 monthly vehicle inspection prior to the licence expiry date	6		Y
Failure to provide proof of insurance cover when request	6	Y	
Failure to produce a vehicle for re-testing when required	4		Y
Using a vehicle subject to a suspension order issued by an Authorised Officer or Police Officer	12	Y	Y
Using a vehicle for which the licence has been suspended or revoked	12	Y	Y
Failure to report, in writing, damage or an accident to a licensed vehicle within 72 hours (which would cause the vehicle to breach the licence conditions)	6	Y	Y
Carrying more passengers than stated on the vehicle licence	6	Y	
Failure to display external and/or internal licence plate in a fixed position	6	Y	Y
Failure to display appropriate door signs	6	Y	Y
Carrying an offensive weapon in the vehicle	12	Y	Y
Failure to notify transfer of a Private Hire or Hackney Carriage Vehicle Licence within 7 days of the transfer	4		Y
Failure to carry a fire extinguisher	4		Y
Failure to carry a first aid kit	4		Y
Displaying unsuitable or inappropriate sited signs or unauthorised advertisements on a vehicle	3		Y
Failure to use a roof light which complies with the supplementary testing manual	4		Y
Use of an un-calibrated taximeter in a Hackney Carriage or tampering with the meter or seals in any way	6	Y	Y
Obstruction of an Authorised Officer or Police Officer wishing to examine a licensed vehicle	12	Y	Y

Evidence of smoking in a vehicle (by passenger or driver)	3	Y	Y
Evidence of consumption of food or drink in a vehicle (by passenger or driver)	3	Y	Y
Displaying any feature on a Private Hire Vehicle which may suggest that it is a Hackney Carriage	6	Y	
Failure to carry an assistance dog without the requisite medical exemption certificate	12	Y	Y
Driver not holding a current DVLA licence	12	Y	Y
Failure to have a drivers identification badge clearly displayed	4	Y	
Failure to immediately notify the Licensing team of a change in medical circumstances that may affect your ability to drive or the safe transportation of passengers (including eyesight). **	1-12	Y	Y
Failure to maintain proper records of Private Hire Vehicles	3	Y	
Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6	Y	
Misleading use of the words "Taxi" or "Cab" on advertising materials for Private Hire Vehicles	3	Y	
Failure to issue a receipt on request	3	Y	Y
Using a licensed vehicle in a dangerous condition	9	Y	Y
Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation, or suspension of such licence	5	Y	
Unsatisfactory Behaviour or conduct of a driver	1-12*	Y	
Failure to notify the Council, in writing, of any conviction or caution within 7 days	6	Y	Y
Failure to behave in a civil and orderly manner or bringing the trade in to disrepute	1-12*	Y	Y
Failure to clearly display a current table of fares card and/or all other internal signs/notices required to be in the vehicle	3	Y	Y
Carrying 2 or more separate fares without the appropriate consent	6	Y	Y
Failure to carry a large spare wheel (or appropriate alternative as specified in the supplementary testing manual) and the facilities to correctly fit such a wheel	4	Y	Y
Using a licensed vehicle with bald, dangerous or defective tyres	3 per tyre	Y	Y
Waiting or stopping in a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer, who is present in the vehicle. Or, if pre-booked, failure to move on after 5 minutes from double yellow lines	3	Y	

when requested by an authorised officer			
Using a mobile phone without the use of hands-free facility whilst driving or whilst the vehicle is stationary with the engine running.	6	Y	
Operating a Private Hire Vehicle without a Private Hire Operators Licence	9	Y	
Double parking on a highway	3	Y	
Unsatisfactory appearance of driver (dress and cleanliness)	3	Y	
Failure to observe rank discipline in accordance with Hackney Carriage Drivers licence conditions	3	Y	
Failure to give reasonable assistance with the loading / unloading of luggage	3	Y	
Sounding the vehicle horn in a way to cause alarm, harassment or distress to others	3	Y	
Waiting on double yellow lines	3	Y	
Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured and unloaded	6	Y	
Failure to hand in lost property to a police station with 24 hours	3	Y	Y
Failure to comply with any Council vehicle, driver and operator conditions that are not already stated above.	3	Y	Y
<b>** Depending on circumstances, 12 points will only be given if it effects their ability to drive</b>			